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UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW
Working Group on
International Contract Practices
Twenty-fourth session
Vienna, 13-24 November 1995

PROVISIONAL AGENDA

1. Election of officers
2. Adoption of the agenda
3. Preparation of uniform law on assignment in receivables financing
4. Other business
5. Adoption of the report

Notes on the provisional agenda

Pursuant to the decision of the Commission at its most recent session (twenty-eighth, Vienna, 2-26 May 1995), [1] the Working Group on International Contract Practices, at the present session, is commencing preparation of a draft uniform law on assignment in receivables financing. The draft law will be intended to facilitate such financing by removing uncertainty encountered in various legal systems as to recognition and effects of assignments in which the assignor, the assignee and the debtor are not in the same country.

[1] Report of the United Nations Commission on International Trade Law on the work of its twenty-eighth session (1995), Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17), paras. 374-381.

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The decision by the Commission was taken on the basis of an examination and discussion of the desirability and feasibility of work in this area spanning several sessions. While it had decided at its thirteenth session (1980) not to embark on work aimed at unification of the law of security interests, [2] the Commission pursued with interest the suggestion made at the UNCITRAL Congress, "Uniform Commercial Law for the 21st Century" (held in conjunction with the twenty-fifth session, New York, 17- 21 May 1992) that it address the aspect of assignment of claims in a cross-border context, with a view to alleviating obstacles to receivables financing stemming from current limits in the recognition afforded to assignments in a cross-border context.

At several sessions following the Congress, the Commission had before it Secretariat notes and reports on various issues and considerations relevant to possible work on assignment of claims, including: legal problems, and past and current work, in the area of assignment of claims and related topics, in particular the UNIDROIT Convention on International Factoring; possible scope of uniform rules and preliminary drafts of some rules; and coordination between the Secretariat and other organizations active or interested in the area including the International Institute for the Unification of Private Law (UNIDROIT), European Bank for Reconstruction and Development (EBRD), International Bank for Reconstruction ad Development (IBRD), and Hague Conference on Private International Law. The notes in question are found in documents A/CN.9/378/Add.3, A/CN.9/397, and A/CN.9/412.[3]

The Working Group is composed of all States members of the Commission. These are:

Algeria, Argentina, Australia, Austria, Botswana, Brazil, Bulgaria, Cameroon, Chile, China, Ecuador, Egypt, Finland, France, Germany, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Mexico, Nigeria, Poland, Russian Federation, Saudi Arabia, Singapore, Slovakia, Spain, Sudan, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay.

Item 1. Election of officers

The Working Group, in accordance with its practice at previous sessions, may wish to elect a Chairman and a Rapporteur.

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[2] Report of the United Nations Commission on International Trade Law on the work of its thirteenth session (1980), Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17); for a full list of the relevant reports of the Commission's work on this topic, see A/CN.9/378/Add.3, footnote 2.

[3] Consideration by the Commission of the topic of assignment of claims at its twenty-sixth session is reported in Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17) and of receivables financing at its twenty-seventh session is reported in Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 (A/49/17).

Item 3. Preparation of uniform law on assignment in receivables financing

The Working Group will have before it a report by the Secretary-General containing a first preliminary draft of a uniform rules on assignment in receivables financing (A/CN.9/412). The Working Group may wish to use the report as a basis for its deliberations.

The following documents will be made available at the session:

(a) Note by the Secretariat on Assignment of Claims (A/CN.9/378/Add.3); and

(b) Report of the Secretary-General on Legal Aspects of Receivables Financing (A/CN.9/397).

Item 5. Adoption of the report

The Working Group may wish to adopt, at the close of its session, a report for submission to the twenty-ninth session of the Commission (to be held from 28 May to 14 June 1996 in New York).

Meetings

The session of the Working Group will take place from 13 to 24 November 1995 at the Vienna International Centre. There will be 8 working days available for consideration of the agenda items at the session. No meeting will be scheduled for Thursday, 23 November, in order to allow for the preparation of the draft report of the session. Meeting hours will be from 9:30 to 12:30 and from 14:00 to 17:00, except on Monday, 13 November 1995, when the session will commence at 10:00.

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